

# FEDERAL REGISTER



VOLUME 5 NUMBER 11

Washington, Wednesday, January 17, 1940

## The President

### EXECUTIVE ORDER

#### CHANGING THE NAME OF THE NECEDAH MIGRATORY WATERFOWL REFUGE AND ADDING CERTAIN LANDS THERETO

##### WISCONSIN

By virtue of the authority vested in me as President of the United States, and by section 32 of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), it is ordered as follows:

SEC. 1. The name of the Necedah Migratory Waterfowl Refuge, established by Executive Order No. 8065 of March 14, 1939,<sup>1</sup> is hereby changed to Necedah National Wildlife Refuge.

SEC. 2. The following-described lands, comprising 39.09 acres, more or less, in Juneau County, Wisconsin, acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and transferred by Executive Order No. 7908 of June 9, 1938,<sup>2</sup> to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act, are, upon recommendation of the Secretary of Agriculture, hereby transferred from the Secretary of Agriculture to the Secretary of the Interior and, subject to valid rights, added to and reserved as a part of the said Necedah National Wildlife Refuge:

##### Fourth Principal Meridian

T. 20 N., R. 3 E.,  
sec. 6, all that part of the subdivisions in the northeastern part thereof bounded by the following-described lines: Beginning at a point 20 chains west of the northeast corner of sec. 6, thence south 39.08 chains; thence west 10.00 chains; thence north 39.11 chains; thence east 10.00 chains, to the point of beginning.

<sup>1</sup> 4 F.R. 124 DL.  
<sup>2</sup> 3 F.R. 1389 DL.

SEC. 3. It is unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the above-described area, or to enter thereon, except under such rules and regulations as may be prescribed by the Secretary of the Interior.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
Jan. 15, 1940.

[No. 8319]

[F. R. Doc. 40-246; Filed, January 16, 1940;  
10:41 a. m.]

### EXECUTIVE ORDER

#### AMENDING THE DESCRIPTION OF THE AIEA MILITARY RESERVATION

##### TERRITORY OF HAWAII

WHEREAS the description of the Aiea Military Reservation, Territory of Hawaii, as contained in Executive Order No. 5692 of August 24, 1931, includes lands over which the United States Government has no control; and

WHEREAS by Executive Order No. 6630 of March 6, 1934, a portion of the Reservation was restored to its previous status for use of the Territory of Hawaii for road purposes; and

WHEREAS a recent survey has been made of the lands under the control of the United States Government comprising the Reservation; and

WHEREAS it appears desirable that the description of the Reservation be amended in conformity with such survey:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159 (U.S.C., title 48, sec. 511), as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is hereby ordered that the description of the Aiea Military Reservation be, and it is hereby, amended to read as follows:

##### Lot 1

Beginning at concrete monument No. 1, marking the north corner of the tract,

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the coordinates of which, referred to triangulation monument "Aiea" located on the Aiea-Halawa boundary line, are 1,102.93 feet north and 1,242.85 feet east, from which monument "Aiea" the azimuth and distance to U. S. Coast and Geodetic Survey triangulation station "Salt Lake" is 292°12'25", 9,393.0 feet.

Thence from said initial point, by azimuths and distances,

305°15'10", 261.12 feet, along the southwesterly line of the old Kamehameha Highway 50-foot right-of-way, to concrete monument No. 2;

57°48'20", 552.46 feet, along the northwesterly line of a U. S. Navy 30-foot right-of-way, to concrete monument No. 3;

194°25'20", 8.79 feet, along the easterly line of the Oahu Railway and Land Company's 40-foot right-of-way, to a point;

On a curve to the right, along the same, with a radius of 938.43 feet, 510.38 feet along the curve, the chord of which bears 210°00'10", 504.11 feet, to the point of beginning.

The tract as described contains an area of 1.810 acres.

#### Lot 2

Beginning at concrete monument No. 1, marking the southwest corner of the tract, the coordinates of which, referred to triangulation monument "Aiea" located on the Aiea-Halawa boundary line, are 259.57 feet north and 355.96 feet east.

Thence from said initial point, by azimuths and distances,

On a curve to the left, with a radius of 1,120.48 feet, 175.92 feet along the curve, the chord of which bears 186°21'41", 175.74 feet, along the easterly line of the new Kamehameha Highway right-of-way, to concrete monument No. 2;

227°11'35", 362.87 feet, to concrete monument No. 3;

209°26'33", 729.80 feet, to concrete monument No. 4;

320°16'40", 96.07 feet, along the southerly line of the old Kamehameha Highway right-of-way, to concrete monument No. 5;

311°53'50", 78.95 feet, along the same, to concrete monument No. 6;

305°26'10", 109.59 feet, along the same, to concrete monument No. 7;

On a curve to the left, with a radius of 978.43 feet, 524.55 feet along the curve, the chord of which bears 29°46'51", 518.30 feet, along the westerly line of the Oahu Railway and Land Company's 40-foot right-of-way, to concrete monument No. 8;

14°25'20", 51.13 feet, along the same, to concrete monument No. 9;

57°48'20", 689.35 feet, along the northwesterly line of a U. S. Navy 30-foot right-of-way, to the point of beginning.

The tract as described contains an area of 5.862 acres.

#### Lot 3

Beginning at concrete monument No. 1, marking the northwest corner of the tract, the coordinates of which, referred to triangulation monument "Aiea" located on the Aiea-Halawa boundary line, are 439.81 feet north and 243.98 feet east.

Thence from said initial point, by azimuths and distances,

281°56'30", 47.24 feet, to concrete monument No. 2;

On a curve to the right, with a radius of 1,035.48 feet, 223.63 feet along the curve, the chord of which bears 8°25'58", 223.20 feet, along the westerly line of the new Kamehameha Highway right-of-way, to concrete monument No. 3;

284°37'12", 10.00 feet, along the same, to concrete monument No. 4;

14°43'40.5", 3.93 feet, along the same, to concrete monument No. 5;

57°48'20", 278.93 feet, along the northerly line of a U. S. Navy 30-foot right-of-way, to concrete monument No. 6;

209°01'10", 440.65 feet, to the point of beginning.

The tract as described contains an area of 0.799 acre.

The azimuths are measured clockwise from the true south.

The entire reservation, consisting of Lots 1, 2, and 3, contains an area of 8.471 acres, and is shown on map No. 11-1-4H38, entitled "Aiea, Aliamanu, Red Hill and Makalapa Military Reservations", dated August 4, 1938, prepared in the Office of the Department Engineer, Hawaiian Department, Fort Shafter, T. H., a copy of which is on file in the Office of the Quartermaster General, War Department, Washington, D. C.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
January 15th, 1940.

[No. 8320]

[F. R. Doc. 40-247; Filed, January 16, 1940; 10:41 a. m.]

#### EXECUTIVE ORDER

#### ESTABLISHING THE BATTERY COVE MILITARY RESERVATION

#### VIRGINIA

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described tract of land of the United States, situated on the west or right bank of the Potomac River near Jones Point, in the City of Alexandria, State of Virginia, be, and it is hereby, set aside and reserved for military purposes, and such reservation shall be known as the Battery Cove Military Reservation:

Beginning at a 1½-inch iron pipe in the exterior boundary of the parcel, which is also in the original dividing line between the District of Columbia and the State of Virginia, from which pipe the bearing and distance to the stone monument marking the original south corner of the District of Columbia are S. 45°00'52" E., 342.37 feet.

Thence from said initial point, by true bearings and distances, as follows:

1. N. 45°00'52" W., 395.19 feet, along said dividing line to a concrete monument;

2. N. 22°39'54" W., 317.77 feet, to a ½-inch iron pipe set in concrete;

3. N. 32°39'15" W., 335.04 feet to a point and intersection with an arc of a circle;

4. Northeasterly, 1,201.66 feet, along said arc of a circle with radius of 1,800 feet and chord of 1,179.47 feet bearing N. 28°37'30" E., to a point of tangency;

5. N. 9°30'00" E., 187.00 feet, to a point;

6. N. 74°52'10" E., 248.77 feet, to a point;

7. S. 71°08'40" E., 172.00 feet, to a point;

8. S. 60°12'00" E., 122.28 feet, to a point on the shore of the Potomac River;

9. Southerly, 2,050 feet, more or less, along the shore of the Potomac River, to a point in the original dividing line between the District of Columbia and the State of Maryland;

10. S. 44°59'08" W., 402.09 feet, along said dividing line, to a 1½-inch iron pipe;

11. N. 54°52'23" W., 347.50 feet, to the point of beginning.

The directions of the lines refer to the true meridian; the survey was made in 1912 by the Corps of Engineers, U. S. Army, and partially revised in the Office of the Quartermaster General; the northwesterly boundary lines (items 4 and 5 of description) were computed on the basis of the survey; and there is no record of the magnetic declination. The tract as described contains an area of 39.93 acres, more or less, and is part of the tract of 46.51+ acres shown on Map No. 6731-112, entitled "Battery Cove, Virginia Boundary Map", dated September 1, 1937, on file in the Office of the

Quartermaster General, War Department, Washington, D. C.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
January 15, 1940.

[No. 8321]

[F. R. Doc. 40-248; Filed, January 16, 1940;  
10:41 a. m.]

#### ENLARGING OLYMPIC NATIONAL PARK— WASHINGTON

##### Correction of Proclamation

The land description appearing in the second column of Page 58 of the FEDERAL REGISTER for Friday, January 5, 1940 (F. R. Doc. 40-74; filed, January 4, 1940, at 12:48 p. m.), in Proclamation No. 2380, should be corrected as follows:

"T. 30 N., R. 64 W. \* \* \*" should read "T. 30 N., R. 6 W. \* \* \*"

#### Rules, Regulations, Orders

##### TITLE 7—AGRICULTURE

#### CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 505]

#### SHIPMENT OF ORANGES AND GRAPEFRUIT FROM PUERTO RICO TO MAINLAND

##### Correction

The third paragraph of F. R. Doc. 40-124 (filed, January 8, 1940, at 10:19 a. m.), appearing in the FEDERAL REGISTER for Tuesday, January 9, 1940, on Page 73, is corrected to read as follows:

"1. *Heat treatment.* Heating the fruit with air at 100 percent relative humidity for a period of not less than 16 hours during which time the temperature at the approximate centers of the fruits shall be raised to 110° F. or above and maintained at 110° F. or above for the last 8 hours of such treatment."

##### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

#### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 39 to Declaration 12<sup>1</sup>]

#### DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JANUARY 2, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended effective September 10, 1936,<sup>2</sup> the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

<sup>1</sup> Supplements footnote to 9 CFR 77.3.  
<sup>2</sup> 1 F. R. 1338.

Alabama: Blount, January 2, 1943.  
Arkansas: Craighead, January 2, 1943; and Greene, January 2, 1943.

California: Riverside, January 2, 1943.  
Florida: Charlotte, January 2, 1943; Hendry, January 2, 1943; Highlands, January 2, 1943; Lee, January 2, 1943; and Pasco, January 2, 1943.

Idaho: Custer, January 2, 1943; and Idaho, January 2, 1943.

Illinois: Calhoun, January 2, 1946; Clay, January 2, 1946; Pike, January 2, 1946; and Richland, January 2, 1946.

Indiana: DeKalb, January 2, 1943; Marshall, January 2, 1943; Scott, January 2, 1943; Vermillion, January 2, 1943; and Whitley, January 2, 1943.

Iowa: Warren, January 2, 1943.

Kansas: Brown, January 2, 1943; and Morton, January 2, 1943.

Kentucky: Estill, January 2, 1943; Fulton, January 2, 1943; Mason, January 2, 1943; and Pike, January 2, 1943.

Michigan: Van Buren, January 2, 1943.

Minnesota: Becker, January 2, 1946; Benton, January 2, 1943; Chisago, January 2, 1946; Clay, January 2, 1946; Morrison, January 2, 1943; Mower, January 2, 1943; and Red Lake, January 2, 1946.

Missouri: Moniteau, January 2, 1943; Pettis, January 2, 1943.

Nebraska: Blaine, January 2, 1943; Hooker, January 2, 1943; and Loup, January 2, 1943.

New Jersey: Cape May, January 2, 1942.

New Mexico: San Miguel, January 2, 1943; and Torrance, January 2, 1943.

New York: Albany, January 2, 1943; Seneca, January 2, 1943; and Wyoming, January 2, 1943.

North Carolina: Pitt, January 2, 1943.  
Ohio: Meigs, January 2, 1943.

South Carolina: Chesterfield, January 2, 1943.

South Dakota: Brown, January 2, 1946; Day, January 2, 1943; Edmunds, January 2, 1943; Grant, January 2, 1943; Hand, January 2, 1943; Hyde, January 2, 1943; McPherson, January 2, 1946; and Spink, January 2, 1943.

Tennessee: Franklin, January 2, 1943; and Hamblen, January 2, 1943.

Texas: Bee, January 2, 1943; Guadalupe, January 2, 1943; and Tarrant, January 2, 1943.

Utah: Box Elder, January 2, 1943.

Virginia: Botetourt, January 2, 1943; and Louisa, January 2, 1943.

West Virginia: Webster, January 2, 1943.

Puerto Rico: Culebra, January 2, 1943; and Vieques, January 2, 1943.

Declaration No. 12, dated October 1, 1936, as amended,<sup>2</sup> is hereby further amended accordingly.

[SEAL]

J. R. MOHLER,  
Chief of Bureau.

[F. R. Doc. 40-251; Filed, January 16, 1940;  
12:30 p. m.]

<sup>2</sup> 1 F. R. 2024.

#### CHAPTER II—AGRICULTURAL MARKETING SERVICE

#### NOTICE OF POSTING OF GUYTON STOCK YARDS, MEMPHIS, TENNESSEE<sup>1</sup>

JANUARY 16, 1940.

Whereas in accordance with the provisions of Section 301 of Title III and Section 302 (a) and (b) of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, the Secretary of Agriculture on June 25, 1930, posted the stockyard known as the Guyton Stock Yards, Memphis, Tennessee, as being subject to the provisions of said Act, and on November 4, 1938, the notice of posting was amended to show that the Guyton Stock Yards was no longer being operated as a separate public market but had been made a part of the posted stockyard known as the Memphis Union Stock Yards, Memphis, Tennessee; and

Whereas it now appears that the Guyton Stock Yards, Memphis, Tennessee, is no longer being operated as a part of the Memphis Union Stock Yards, Memphis, Tennessee, but is again being operated as a separate public market;

Therefore, it is ordered, That the notice of the posting of the Guyton Stock Yards, Memphis, Tennessee, be and hereby is amended to show that it is now being operated as a separate public market known as the Guyton Stock Yards, Memphis, Tennessee.

[SEAL]

GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 40-249; Filed, January 16, 1940;  
11:07 a. m.]

#### NOTICE UNDER PACKERS AND STOCKYARDS ACT<sup>1</sup>

JANUARY 16, 1940.

TO SIKESTON AUCTION COMPANY, INC.,  
Sikeston, Mo.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Sikeston Auction Company, at Sikeston, State of Missouri, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 40-252; Filed, January 16, 1940;  
12:53 p. m.]

<sup>1</sup> Modifies list posted stockyards 9 CFR 204.1.

**TITLE 36—PARKS AND FORESTS**  
**CHAPTER II—FOREST SERVICE**

[Memorandum No. 847]

**DELEGATION OF AUTHORITY IN CONNECTION WITH LAND UTILIZATION PROJECTS FOR WHICH THE FOREST SERVICE HAS BEEN OR WILL BE DESIGNATED THE CUSTODIAL AGENCY**

The Chief or Acting Chief of the Forest Service, or any employee of the Department whom either of them may designate in writing, is hereby specifically authorized, on behalf of the United States in connection with the land utilization projects, administered under Title III and related sections of the Bankhead-Jones Farm Tenant Act, for which the Forest Service has been or will be designated the custodial agency, to perform the functions hereinafter outlined. The requirements of Department Regulations 1712 and 3312 which conflict with this authorization are hereby waived:

1. Execute easements, leases, and licenses for the acquisition of interests in real property.
2. Execute easements, leases, licenses, and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, etc. (but not those power line licenses which are required by law to be granted by the Federal Power Commission), across project areas when such construction will not materially interfere with the purposes of the project.
3. Execute leases, licenses, permits, agreements and other forms of contracts permitting the use of lands acquired, when consistent with the purposes of the project, for cropping, grazing, building occupancy, recreational and incidental purposes, provided they do not extend for more than ten years.
4. File in the name of the United States, in accordance with the law of the state involved, applications for water rights covering waters to be impounded,

impeded, or diverted in their flow by construction work contemplated in connection with the development of a project.

5. Exercise all powers to revoke, terminate, or cancel contracts executed in accordance with the foregoing authority, or under which the United States has acquired, or may hereafter acquire, rights or obligations by virtue of the acquisition of property in the administration of the Land Conservation and Land Utilization Program, which are exercisable either by the terms of the contracts themselves or by operation of law.

Done at Washington, D. C., this 13th day of January 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
 Secretary of Agriculture.

[F. R. Doc. 40-245; Filed, January 15, 1940;  
 3:47 p. m.]

**Notices**

**DEPARTMENT OF AGRICULTURE.**

**Bureau of Entomology and Plant Quarantine.**

**NOTICE OF PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF PROHIBITING OR RESTRICTING THE ENTRY INTO PUERTO RICO FROM ALL PARTS OF THE WORLD OF UNROASTED COFFEE BEANS, AND COFFEE FRUITS, PLANTS, AND LEAVES**

JANUARY 15, 1940.

The Secretary of Agriculture has information that there exist in various countries of the world where coffee is grown an injurious insect, the coffee berry borer, *Stephanoderes hampei* Ferr., of which *S. coffeae* Hgdn. is a synonym, and an injurious rust, *Hemeleia vastatrix* B. & Br., as well as other injurious insects and plant diseases, and that these pests, new to and hitherto not widely dis-

tributed within or throughout the United States, may be introduced into coffee-growing areas of Puerto Rico with importations of unroasted coffee beans, or coffee fruits, plants, and leaves from other countries and localities. It appears necessary, therefore, to consider the advisability of prohibiting or restricting the entry of unroasted coffee beans as well as fruits, plants, and leaves of the coffee plant, *Coffea* spp., from all foreign countries and localities into Puerto Rico.

Notice is hereby given, therefore, that in accordance with the Plant Quarantine Act of August 20, 1912, as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in the Temple del Maestro, in the city of San Juan, Puerto Rico, at 10:00 a. m. February 14, 1940, in order that any person interested in the establishment of such prohibition or restriction may appear and be heard either in person or by attorney.

[SEAL]

GROVER B. HILL,  
 Acting Secretary of Agriculture.

[F. R. Doc. 40-250; Filed, January 16, 1940;  
 11:07 a. m.]

**Rural Electrification Administration.**

[Administrative Order No. 423]

**ALLOCATION OF FUNDS FOR LOANS**

JANUARY 5, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 9026A1 Fulton.....	\$170,000

[SEAL] HARRY SLATTERY,  
 Administrator.

[F. R. Doc. 40-244; Filed, January 15, 1940;  
 3:47 p. m.]